

#18  
7/29/08

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of Rodenburgh *et al.*

Patent No.: 6,001,296

Issued: December 14, 1999

Application No.: 08/824,943

Docket No.: 355940.00040-01

Title: *Apparatuses and methods for  
controlling the fill of tooling cavities*

In the Office of Petitions

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF  
ADVERSE PETITION DECISION UNDER 37 C.F.R. § 1.378(e)**

Lehigh University, the Assignee of the entire right, title, and interest in the above-captioned patent hereby respectfully requests reconsideration of the adverse decision dated July 11, 2008 on the Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in An Expired Patent, which was submitted on June 10, 2008. The Petition was dismissed because it was not signed by a person having apparent authority to do so.

Submitted herewith is a renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in An Expired Patent, which has been duly signed by an authorized agent of the Assignee. The Assignee's undersigned representative is authorized to act on its behalf as evidenced by the concurrently submitted Rule 3.73(b) Statement and Power of Attorney.

The 8<sup>th</sup> year Maintenance Fee as provided by 37 C.F.R. § 1.20(f) in the amount of \$1,180.00 (small entity status) and the surcharge for accepting a maintenance fee after expiration of a patent for unintentional non-timely payment of a maintenance fee as provided by 37 C.F.R. § 1.20(i)(2) in the amount of \$1,640.00 were previously paid, as evidenced by the attached Affidavit of Marie A. Bartos, including the Exhibits thereto. The delay in payment of the Maintenance Fee for this patent was unintentional.

Patent No.: 6,001,296  
Issued: December 14, 1999

The Commissioner is hereby authorized to charge the requisite fee for reconsideration of the petition decision in the amount of \$400.00 as provided in 37 C.F.R. § 1.17(f), as well as any other fees that may be necessary to grant this Request, to Deposit Account No. 50-4364, from which the undersigned is authorized to draw.

Respectfully Submitted,  
Saul Ewing LLP

July 29, 2008

/Theodore R. West/

tel: 717.257.7552  
fax: 717.237.7432  
email: twest@saul.com

Theodore R. West  
Registered Patent Agent  
Reg. No. 47202  
Customer No. 74222  
2 North Second St., 7<sup>th</sup> Floor  
Harrisburg, PA 17101

#16

PTO/SB/66 (10-05)

Approved for use through 04/30/2009. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

355940.00040

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,001,296 Application Number 08/824,943

Issue Date December 14, 1999 Filing Date March 27, 1997

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Submitted via EFS-web  
On 29-July-2008

\_\_\_\_\_  
Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1180</u>	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ previously paid

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ previously paid (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ \_\_\_\_\_

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.
- ☐ Payment by credit card. Form PTO-2038 is attached. (previously paid)

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 504364. A duplicate copy of this authorization is attached.

## 7. OVERPAYMENT

As to any overpayment made please

Credit to Deposit Account No. 504364

OR



Send refund check.

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

## 9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Theodore R. West, Reg. No. 47202 29 July 2008  
Signature(s) of Petitioner(s)

Date

Theodore R. West  
Typed or printed name(s)

47202  
Registration Number, if applicable

717.257.7552  
Telephone Number

Saul Ewing LLP (Customer No. 74222)  
Address

2 North Second St., Harrisburg, PA 17101  
Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

## ENCLOSURES:



Maintenance Fee payment



Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)



Power of Attorney, Change of Address, Fee Address, Petition, Affidavit, Rule 3.73(b) Statement

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**"FEE ADDRESS" INDICATION FORM**Address to:  
Mail Stop M Correspondence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450Fax to:  
571-273-6500

- OR -

**INSTRUCTIONS:** The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below:** If you have a Customer Number to represent the fee address. **When to check the second box below:** If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:



Customer Number:

74222

OR




The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (If known)	APPLICATION NUMBER

Completed by (check one):



Applicant/Inventor

  
Signature


Attorney or Agent of record

(Reg. No.)

Thomas J. Meischeld

Typed or printed name

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

610.758.5883

Requester's telephone number



Assignee recorded at Reel \_\_\_\_\_ Frame \_\_\_\_\_

7/29/08  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.



\* Total of one forms are submitted.

This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: LEHIGH UNIVERSITY

Application No./Patent No.: 6,001,296 Filed/Issue Date: December 14, 1999

Entitled: APPARATUSES AND METHODS FOR CONTROLLING THE FILL OF TOOLING CAVITIES

LEHIGH UNIVERSITY, a University  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: The Inventors To: THE WHITAKER CORPORATION  
The document was recorded in the United States Patent and Trademark Office at  
Reel 008684, Frame 0659, or for which a copy thereof is attached.
2. From: THE WHITAKER CORPORATION To: LEHIGH UNIVERSITY  
The document was recorded in the United States Patent and Trademark Office at  
Reel 015698, Frame 0029, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Thomas J. Malscheld  
Signature

7/29/08  
Date

Thomas J. Malscheld  
Printed or Typed Name

610.758.5883  
Telephone Number

Director of the Office of Research and Sponsored Programs  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**CHANGE OF  
CORRESPONDENCE ADDRESS  
Patent**Address to:  
Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Patent Number	6,001,296
Issue Date	December 14, 1999
Application Number	08/824,943
Filing Date	March 27, 1997
First Named Inventor	RODENBURGH et al.
Attorney Docket Number	355940.00040-01

Please change the Correspondence Address for the above-identified patent to:

☒ The address associated with Customer Number:

74222

OR

☐ Firm or  
Individual Name

Address

City

State

ZIP

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

This form will not affect any "fee address" provided for the above-identified patent. To change a "fee address" use the "Fee Address Indication Form" (PTO/SB/47).

I am the:

- ☐ Patentee.
- ☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☐ Attorney or agent of record. Registration Number \_\_\_\_\_

Signature

Typed or  
Printed Name Thomas J. Meischeld

Date

7/29/08

Telephone 610.758.5883

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of one forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Post Issue, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number:

74222

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number:

74222

OR

<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

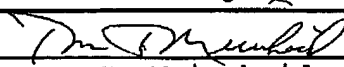
Assignee Name and Address:

LEHIGH UNIVERSITY  
5 EAST PACKER AVE.  
354 WHITAKER LABORATORY  
BETHLEHEM, PENNSYLVANIA 18015

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	7/29/08
Name	Thomas J. Meischeid	Telephone	610.758.5883
Title	Director of the Office of Research and Sponsored Programs		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of Rodenburgh *et al.*

Patent No.: 6,001,296

Issued: December 14, 1999

Application No.: 08/824,943

Docket No.: 355940.00040-01

Title: *Apparatuses and methods for  
controlling the fill of tooling cavities*

In the Office of Petitions

**AFFIDAVIT OF MARIE A. BARTOS  
IN SUPPORT OF REQUEST FOR  
RECONSIDERATION OF PETITION DECISION**

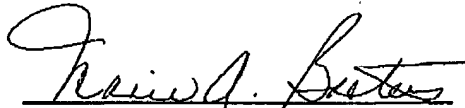
I, Marie A. Bartos, do hereby declare as follows:

1. I am an employee of Lehigh University in the Office of Technology Transfer, Entrepreneurial Research and Education, at 354 Whitaker Laboratory, 5 East Packer Avenue, Bethlehem, PA 18015-3181. My job title is "Administrative Coordinator." I have been employed in this capacity since at least June 1, 2008.
2. Lehigh University is the Assignee of the entire right, title, and interest in the above-captioned patent application, as evidenced by the Assignment recorded in United States Patent & Trademark Office ("USPTO") records at Reel 01569, Frame 0029.
3. I have personal knowledge of the Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (the "Petition") that was filed in the above-captioned matter on June 10, 2008, including payment to the USPTO of \$2820.00, which payment was made by credit card.
4. I am aware that the Petition was denied on July 11, 2008. I am further aware that Lehigh University has instructed its attorneys at the law firm of Saul Ewing LLP to prepare and submit a Request for Reconsideration of the Petition decision. My purpose in making this Affidavit is to provide evidence that the required USPTO fees as provided by 37 C.F.R. § 1.20(f) and 37 C.F.R. § 1.20(i)(2) have been previously paid.
5. Attached hereto as Exhibit 1 is a redacted copy of the account statement for the aforementioned credit card, which reflects the payment of \$2820.00 to the USPTO. In order to comply with the transaction limits associated with this credit card, these monies were split into two transactions: A first transaction in the amount of \$2000 and a second transaction in the amount of \$820.

6. As noted in the Petition (a copy of which is attached hereto as Exhibit 2), these monies were intended as payment for the 8<sup>th</sup> year Maintenance Fee as provided by 37 C.F.R. § 1.20(f) in the amount of \$1,180.00 (small entity status), in addition to the surcharge for accepting a maintenance fee after expiration of a patent for unintentional non-timely payment of a maintenance fee as provided by 37 C.F.R. § 1.20(i)(2) in the amount of \$1,640.00, for a total of \$2820.00.
7. Although the Petition was denied, none of these monies have been returned to Lehigh University.
8. I acknowledge that purposefully making any materially false, fictitious, or fraudulent statement or representation may jeopardize the enforceability of the above-captioned patent pursuant to 18 U.S.C. § 1001.

I declare that to the best of my knowledge, the foregoing is true and correct.

July 28, 2008

  
Marie A. Bartos

# EXHIBIT 1

# Exhibit 1

Go to page 1 of 1

**Create Export File>**    **Create Secured Export File>**    **Save Query>**    **Create Query>**

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[illegible]

THE ABOVE LISTED TRANSACTIONS HAVE TRANSFERRED TO THIS ACCOUNT'S ASSOCIATED CENTRAL BILL ACCOUNT. THE NET BALANCE WAS [REDACTED]

**PLEASE NOTE THAT ANY FOREIGN PURCHASES AND/OR FOREIGN CASH  
DISBURSEMENT TRANSACTIONS MAY INCLUDE A 1% INTERNATIONAL  
TRANSACTION FEE.**

# EXHIBIT 2



# Exhibit 2

10443642547US

PTO/SB/86 (10-05)

Approved for use through 04/30/2009. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Docket Number (Optional)

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1460  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

# COPY

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6001298 Application Number 08824943

Issue Date 1999-12-14 Filing Date 1997-03-27

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - identified patent:

- ☐ Is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of International  
application \_\_\_\_\_ filed on \_\_\_\_\_.

### CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

6/10/08  
Date

  
Signature

Thomas J. Melscheld  
Typed or printed name of person signing Certificate

(Page 1 of 3)

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

COPY

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1180.00</u>	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1180.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(l)(2) of \$ 1640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.SURCHARGE BEING SUBMITTED \$ 1640.00

## 5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ \_\_\_\_\_.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.
- ☒ Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

- ☐ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

**7. OVERPAYMENT**

As to any overpayment made please

☐

Credit to Deposit Account No. \_\_\_\_\_

OR

☒

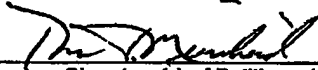
Send refund check.

**COPY****WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

**8. STATEMENT**

The delay in payment of the maintenance fee to this patent was unintentional.

**9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.**
  
 \_\_\_\_\_  
 Signature(s) of Petitioner(s)

 6/10/08  
 \_\_\_\_\_  
 Date

 Thomas J. Melscheid  
 \_\_\_\_\_  
 Typed or printed name(s)

 \_\_\_\_\_  
 Registration Number, if applicable

610-758-5883

 \_\_\_\_\_  
 Telephone Number

 Lehigh University, Office of Technology Transfer, 354 Whitaker Lab, Bethlehem, PA 18015  
 \_\_\_\_\_  
 Address

 \_\_\_\_\_  
 Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

**ENCLOSURES:**☐

Maintenance Fee payment

☐

Surcharge under 37 CFR 1.20(l)(2) (fee for filing the maintenance fee petition)

☐

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## Credit Card Payment Form

(Do not submit this form electronically via EFS-Web)

Please Read Instructions before Completing this Form

### Credit Card Information

Credit Card Type: ☒ Visa ☐ MasterCard ☐ American Express ☐ Discover

Credit Card Account #: [REDACTED]

Credit Card Expiration Date: 04/10

Name as it Appears on Credit Card: Marie Bartos Ofc of Technology Transfer

Payment Amount: \$ (US Dollars): \$2820.00

Cardholder Signature: *Marie Bartos*

Date: 6-9-08

Refund Policy: The USPTO may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The USPTO will not refund amounts of \$25.00 or less unless a refund is specifically requested and will not notify the payor of such amounts (37 CFR 1.28). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

Service Charge: There is a \$50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21 (m)).

### Credit Card Billing Address

Street Address 1: Lehigh University, Office of Technology Transfer

Street Address 2: 354 Whitaker Lab, 5 E. Packer Ave.

City: Bethlehem

State/Province: PA

Zip/Postal Code: 18015

Country: USA

Daytime Phone #: 610-758-5883

Fax #: 610-758-5888

### Request and Payment Information

Description of Request and Payment Information:

Maintenance Fee and Surcharge for unintentional delay of payment

<input type="checkbox"/> Patent Fee	<input checked="" type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No.	Application No. 08824943	Application No.	IDON Customer No.
Patent No.	Patent No. 6001296	Registration No.	
Attorney Docket No.		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form or submits this form electronically via EFS-Web, the United States Patent and Trademark Office will not be liable in the event that the credit card number becomes public knowledge.



**LEHIGH**  
UNIVERSITY.

Office of Technology Transfer  
Entrepreneurial Research and Education  
354 Whitaker Laboratory  
5 East Packer Avenue  
Bethlehem, PA 18015-3181  
(610) 758-5883 Fax (610) 758-5888  
<http://www.lehigh.edu>

June 9, 2008

Statement Claiming Small Entity Status – Nonprofit Organization

**COPY**

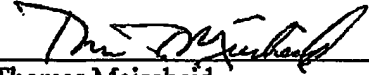
Customer # 000049295

Patent No.: 6001296  
Application No.: 08/824943

Title: Apparatuses and Methods for Controlling the Fill of Tooling Cavities

Lehigh University  
354 Whitaker Laboratory  
5 East Packer Avenue  
Bethlehem, PA 18015

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in the patent identified above.

  
\_\_\_\_\_  
Thomas Meischeld  
Interim Director of Office of Technology Transfer,  
Entrepreneurial Research and Education  
Lehigh University

6/16/08  
\_\_\_\_\_  
Date

TJM:mab

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(610)867-3221

04:31:55 PM

06/10/2008

Product Description	Sales Receipt Sale Unit Qty Price	Final Price
ALEXANDRIA VA 22313 Zone-3 Express Mail PO-Add 2.60 oz. Label #: 2nd Day 3PM	ED383642547US / Normal Delivery	\$14.65

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Issue PVI:

\$14.65

Total:

\$14.65

Paid by:

Visa

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Account #: XXXXXXXXXXXXX6141  
Approval #: 038495  
Transaction #: 732  
23 903110658

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Insurance Fee: **0.00**

Signature: **Thomas J. Meischeid**

FROM: (PLEASE PRINT) PHONE: **610-758-5883**

**Thomas J. Meischeid**  
Interim Director, Office of  
Technology Transfer  
Lehigh University  
354 Whitaker Lab  
Bethlehem, PA 18015

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Employee Signature: **Thomas J. Meischeid**

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Signature: **Thomas J. Meischeid**

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**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

2 2 3 1 3 + 1 4 5 0

# EXHIBIT 3



UNITED STATES PATENT AND TRADEMARK OFFICE

**Exhibit 3**

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

**TIMOTHY J. ABERLE  
THE WHITAKER CORPORATION  
4550 NEW LINDEN HILL ROAD SUITE 450  
WILMINGTON, DE 19808**

**COPY**  
**COPY MAILED**  
**JUL 11 2008**  
**OFFICE OF PETITIONS**

In re Patent No. 6,001,296 :  
Issue Date: December 14, 1999 :  
Application No. 08/824943 :  
Filed: March 27, 1997 :  
Attorney Docket No. 16958 :

**ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed June 10, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is not a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks none of the above items.

However, the petition must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;



(4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or

(5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

If the instant petition is on the behalf of the assignee, petition does not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

The patent file is being forwarded to Files Repository.

  
Liana Walsh

Petitions Examiner  
Office of Petitions

Patent No. 6,001,296

Page 3

cc: Thomas Meischeld  
Lehigh University, Office of Technology Transfer  
354 Whitaker Lab  
Bethlehem, PA 18015

Enclosure: PTO/SB/96 -- Statement under 3.73(b)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: \_\_\_\_\_

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Entitled: \_\_\_\_\_

\_\_\_\_\_, a \_\_\_\_\_  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Signature\_\_\_\_\_  
Date\_\_\_\_\_  
Printed or Typed Name\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2908. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.